

REMARKS

The present application was filed on June 15, 2000 with claims 1-80. Claims 45-48, 55, 60, 61 and 78-80 are canceled herein. Claims 1-44, 49-54, 56-59 and 62-77 remain pending. Claims 1, 24, 37, 41, 49, 56, 58, 62, 65 and 70 are the independent claims.

Applicants initially note that the Examiner has failed to return initialed copies of the PTO-1449 forms filed by Applicants with their Information Disclosure Statements dated June 11, 2000 and October 17, 2003. Copies of the previously-filed PTO-1449 forms are attached hereto for the convenience of the Examiner. Applicants request that Examiner initial and return the PTO-1449 forms.

Applicants also wish to submit an amendment to a drawing. Specifically, FIG. 1 of the current application fails to label element 40 which is described in detail in the specification in the paragraph starting on p. 2, line 5. In order to correct this omission, Applicants are submitting a replacement drawing for FIG. 1 including element 40 per the procedure in the Manual of Patent Examining (MPEP), Eighth Edition, August 2001, §714.

In the Office Action, claims 1, 2, 5-7, 9, 16-23, 45-48, 70 and 78-80 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,118,760 (hereinafter "Zaumen"). Claims 37-40, 49, 55, 57, 59-61 and 64 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,658,002 (hereinafter "Ross"). Claims 3, 4 and 75 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zaumen in view of Ross. Claims 8, 10-15, 24-28, 31-36, 41-44, 71, 72, 74 and 76 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zaumen. Finally, claims 50, 51, 54, 63 and 65-68 are rejected under 35 U.S.C. §103(a) as being unpatentable under Ross.

Claims 29, 30, 52, 53, 56, 58, 62, 69, 73 and 77 are objected to as being dependent upon a rejected base claim. The Examiner states that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this response, Applicants traverse the majority of §102(e) and §103(a) rejections as indicated below. With regard to some rejections, Applicants choose to cancel or amend the claims without prejudice. Applicants respectfully request reconsideration of the present application in view of the following remarks.

With respect to the §102(e) rejections, Applicants wish to initially note that MPEP §2131, specifies that a given claim is anticipated "only if each and every element as set forth in the claim

is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 of the present application is directed to:

A method of performing policy enforcement by a switch, comprising:

receiving a plurality of frames;

examining at least some of the received frames to determine whether they require non-default policy enforcement according to pre-programmed policy rules which pertain to at least one protocol; and

forwarding, with default policy handling, at least some of the received frames which belong to the protocol to which the rules pertain, regardless of the policy enforcement they require.

Notably, under the last element of this claim (beginning with “forwarding”), at least some of the received frames which belong to a protocol that requires non-default policy handling will, nonetheless, still be forwarded with default policy handling. See also the Specification, p. 6, lines 15-21.

The Examiner, in formulating the §102(e) rejection, argues that each and every one of the limitations of claim 1 is met by Zaumen. More specifically, the Examiner argues that the last clause of claim 1 is anticipated by Zaumen, col. 5, lines 50-56. See the Office Action, p. 3. This portion of Zaumen, in its broader context, states:

The network element 101 forwards packets received by an external connection 117 to one or more other external connections based on the packets' headers and programmed criteria in the CPS and the individual subsystems 110. For example, a newly arrived packet at the subsystem 110 will be processed by a hardware class filter in the switching element 111 which identifies the packet as a member of one of several predefined packet types. The packet's headers are then evaluated against the entries in the forwarding memory 113 that are

of the identified class. A matching entry will have one or more subsystem ports identified in the associated memory 114 as well as a certain QOS. The packet will then be forwarded, based on the associated data, out of the inbound subsystem 110 or to another subsystem 120, as identified in the associated memory. In the event of a “miss” (no matching entry), the CPS 130 may be configured to handle the forwarding aspects based on its software routines. [Zaumen, col. 5, lines 39-55].

Importantly, Zaumen’s example teaches that a newly arrived packet will be identified as a member of a “predefined class” or a “miss” with respect to entries in the “forwarding memory.” Subsequently, “[t]he packet will then be forwarded, based on the associated data, out of the inbound subsystem 110 or to another subsystem 120, as identified in the associated memory” (Zaumen, col. 5, lines 50-53). In other words, the forwarding of the packet in this example is universally handled according to the identification of the packet as a member of a class or a miss. Nowhere does Zaumen teach that any received packet that belongs to a protocol that requires non-default policy enforcement will, nonetheless, still be forwarded with default policy handling. This element, while present in the claim, is entirely missing from Zaumen.

As a result, Applicants respectfully submit that Zaumen fails to describe every element of claim 1 and therefore Zaumen fails to anticipate this claim under §102(e).

Dependent claims 2, 5-7, 9 and 16-23 are believed allowable for at least the reasons identified above with respect to claim 1, and these claims are also believed to specify additional separately patentable subject matter relative to Zaumen and other prior art of record. For instance, dependent claim 6 of the present invention specifies:

A method according to claim 1, wherein examining at least some of the received frames to determine whether they require non-default policy enforcement comprises determining whether the at least some of the received frames require counting or sniffing.

In formulating the §102(e) rejection of this claim, the Examiner argues that Zaumen, col. 8, lines 21-28, anticipates this claim. See the Office Action, p. 3. Applicants respectfully disagree. This referenced portion of Zaumen states:

Once the CPS 130 has determined that a new entry should be created as in block 311, the CPS 130 sets a timer or counter to a first time in block 317. The timer corresponds to the new entry and is normally a software timer within the CPS 130. The CPS 130 will include provisions such as pointers for the timer that identify its corresponding new entry as the one in forwarding memory 113 of subsystem 110.

[Zaumen, col. 8, lines 21-28].

One skilled in the art will immediately recognize that this reference only relates to timing and does not describe either packet counting or packet sniffing. Packet timing, counting and sniffing are entirely different processes. As a result, Zaumen fails to anticipate claim 6 under §102(e).

With respect to the Examiner's §102(e) rejections of claims 45-48 with reference to Zaumen, Applicants choose to cancel these claims without prejudice.

With respect to Examiner's §102(e) rejection of independent claim 70 with reference to Zaumen, Applicants note that claim 70 is directed to

A method of updating a policy table of a switch, comprising:
receiving a frame which is not directed to the switch;
creating an entry in the policy table of the switch, for the session to which the received frame belongs; and
performing layer-2 switching of the received frame.

In formulating the §102(e) rejection of the element of the claim comprising "creating an entry," the Examiner refers to Zaumen, col. 4, lines 40-50, which states:

The network element 101 forwards packets received by an external connection 117 to one or more other external connections based on the packets' headers and programmed criteria in the CPS and the individual subsystems 110. For example, a newly arrived packet at the subsystem 110 will be processed by a hardware class filter in the switching element 111 which identifies the packet as a member of one of several predefined packet types. The

packet's headers are then evaluated against the entries in the forwarding memory 113 that are of the identified class. A matching entry will have one or more subsystem ports identified in the associated memory 114 as well as a certain QOS (*emphasis added*).

This portion of Zaumen clearly teaches that processing of a newly arrived packet involves identification against predefined packet types and evaluation against entries in the forwarding memory. Nowhere does Zaumen teach “updating” or “creating an entry in the policy table of the switch.” As a result, Applicants respectfully submit that Zaumen fails to describe every element of claim 70 and therefore fails to anticipate this claim under §102(e).

With respect to the Examiner’s §102(e) rejection of claims 78-80 with reference to Zaumen, Applicants choose to cancel these claims without prejudice.

With respect to the Examiners §102(e) rejection of independent claim 37 with reference to Ross, Applicants wish to initially note that claim 37 is directed to:

A method of performing policy enforcement by a switch, comprising:
receiving a plurality of frames;
determining whether to compare the values of one or more fields of at least some of the plurality of frames to entries of a list of policies of groups of frames;
comparing the values of one or more fields of the determined frames to respective fields of entries of the list; and
forwarding, discarding or further analyzing frames determined not to be compared.

In formulating the §102(e) rejection of the element of the claim comprising “determining,” the Examiner argues that the element is anticipated by Ross, col. 5, lines 5-10, which states:

The flow label is used as the key (comparand) for a CAM lookup in step 230. The entire flow label or a subset of its fields may be employed as the key. The key may be created by reordering the flow label as well.

Applicants respectfully submit that, unlike the present invention, this reference does not describe a step comprising determining whether to compare the values of one or more fields of at least some of the plurality of frames to entries of a list of policies. In contrast, one skilled in the art will recognize that Ross is teaching a comparison step itself by use of a CAM (content addressable memory) lookup table, which is an apparatus for quickly searching for entries in a table and is described more fully in Ross, col. 3, lines 24-52. As a result, Applicants respectfully submit that Ross fails to describe every element of claim 37 and therefore fails to anticipate this claim under §102(e).

Dependent claims 38-40 are believed allowable for at least the reasons identified above with respect to claim 37, and these claims are also believed to specify additional separately patentable subject matter relative to Ross and other prior art of record.

With respect to the §102(e) rejection of independent claim 49 with reference to Ross, Applicants note that claim 49 is directed to:

A method of performing policy enforcement by a switch, comprising:
receiving a plurality of frames;
comparing at least some of the received frames to a list of groups of frames and respective policies; and
creating entries in the list for less than all of the compared frames for which no match was found in the comparison to the list.

In formulating the §102(e) rejection, the Examiner argues that the element of the claim comprising “creating entries” is anticipated by Ross, col. 5, lines 23-30, which states:

In the event that the key is not found in the CAM, the default condition, for example, deny, is asserted for the packet. Step 240 consists of reading the SRAM entry pointed to by a successful match in the CAM or denial of access in the default, i.e., when no match is found.

However, this reference merely states that in the event that a key is not found in the lookup step, a default condition such as a denial will be asserted for the packet. Nowhere does Ross describe that

entries will be created in the policy list as described in claim 49. For these reasons, Ross fails to anticipate this claim under §102(e).

With respect to the Examiner's §102(e) rejection of claims 55 with reference to Ross, Applicants choose to cancel this claim without prejudice. Per the Office Action, p. 23, claims 56 and 58 contain allowable subject matter. Accordingly, both claims are rewritten to include the limitations of claim 55. Dependent claims 57 and 59 are amended to be dependent on claims 56 and 58, respectively.

With respect to the Examiner's §102(e) rejection of claims 60, 61 and 64, Applicants choose to cancel claims 60 and 61 without prejudice. Per the Office Action, p. 23, claim 62 contains allowable subject matter. Accordingly, the limitations of claims 60 and 61 are rewritten into dependent claim 62. Dependent claims 63 and 64 are amended to be dependent on claim 62.

With respect to the §103(a) rejection of dependent claims 3 and 4 with reference to Zaumen in view of Ross, Applicants respectfully submit that Ross fails to supplement the above-described fundamental deficiencies of Zaumen as applied to claim 1. Therefore, the subject matter as a whole of dependent claims 3 and 4 would not have been obvious at the time the invention was made and should be allowed.

The §103(a) rejection of dependent claim 75 with reference to Zaumen in view of Ross will be discussed subsequent to discussing the §103(a) rejections of claims 70 and 71 below.

With respect to the §103(a) rejections of dependent claims 8 and 10-15 with reference to Zaumen, Applicants respectfully submit that the Examiner fails to provide additional argumentation that addresses the above-described fundamental deficiencies of Zaumen as applied to all the limitations of base claim 1. Therefore, the subject matter as a whole of dependent claims 8 and 10-15 would not have been obvious at the time the invention was made and should be allowed.

With respect to the §103(a) rejection of claim 24 with reference to Zaumen, Applicants note that a proper *prima facie* case of obviousness over a single reference requires that the cited reference must "teach or suggest all the claim limitations," and that there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference teachings. MPEP §706.02(j).

Claim 24 is directed to:

A method of performing policy enforcement by a switch, comprising:
receiving a plurality of frames;
comparing the values of one or more fields of at least some of the plurality of frames to entries of a list;
determining whether to additionally analyze the frames for which no match was found in the comparison;
additionally analyzing at least some of the frames for which no match was found in the comparison; and
forwarding at least some of the frames for which no match was found in the comparison without performing additional analysis.

In forming the §103(a) rejection, the Examiner states:

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine whether to additionally analyze the frames for which no match was found in the comparison; and to additionally analyze at least some of the frames for which no match was found in the comparison because the Central Processing System (CPS) contains a programmed Central Processing Unit (CPU) and a central memory that couples to different subsystems. Each subsystem has a hardware search engine, a switching element coupled to a forwarding memory and associated memory. Each subsystem has a hardware search engine, a switching element coupled to a forwarding memory and associated memory. The forwarding memory may be implemented by a programmed processor which makes analytical and forwarding decisions as suggested by Zauman [*sic*] et al.

[Office Action, p. 15]

Applicants respectfully submit that, while this argument suggests that the Zaumen apparatus may have a capability for additional analysis of a frame for which no match was found in the comparison, it fails to provide any suggestion or motivation for actually doing such analysis. Certainly, one skilled in the art would recognize that a CPU (central processing unit) has a capability for conducting “analysis.” But a general description of a capability for analytical decision-making by a CPU

provides in-and-of-itself no suggestion or motivation to modify the apparatus to actually conduct the specific analytical steps described in the claim.

Therefore, Applicants respectfully suggest that the Examiner has failed to establish a proper *prima facie* case of obviousness in the present §103(a) rejection of independent claim 24, and that the claim should be allowed. Dependent claims 25-28 and 31-36 should also be allowed based on the fundamental deficiencies of Zaumen as applied to base claim 24.

With respect to the §103(a) rejection of independent claim 41, Applicants note that claim 41 is directed to:

A switch for forwarding frames, comprising:
at least one port which receives frames; and
a table which includes entries which list policies of groups of frames, and indicates for at least one of the entries different behavior for leading and non-leading frames of sessions matching the entry.

In formulating the §103(a) rejection, the Examiner argues that Zaumen, col. 6, lines 33-54, teaches a table indicating different behavior for leading frames, but does not explicitly teach different behavior for non-leading frames. See the Office Action, p. 18. Zaumen, col. 6, line 33-54, states:

Using wild cards in the header data of an entry for defining flow membership will reduce the total number of entries in the address table as the flow is broadly defined, thus resulting in more frequent matches. This comes at the expense of coarser granularity for the network element 101's ability to control QOS. For finer granularity (more specific control over packet forwarding) more specific entries can be added to the forwarding memory in order to more specifically define priority and QOS for certain packets. However, doing so may result in multiple matching entries where wildcarding is used. For example, referring to the exemplary forwarding and associated memories in FIG. 2, entry 271 will match all traffic from the specified IP source. If entry 275 is added by the network element to specifically control QOS for packets originating from application port 80, then a subsequent packet originating with port 80 on the endstation assigned to the source IP address specified will yield two matching

entries 271 and 275. As the network element is preferably configured to forward packets based on deterministic criteria, multiple matching entries presents a problem that needs to be dealt with in a predictive manner.

Applicants respectfully submit that the above portion of the reference teaches nothing concerning the treatment of leading frames in a way different from other types of frames. Instead, the above reference appears to be generally directed to the use of wildcards in address tables. For this reason, For this reason, Applicants respectfully suggest that the Examiner has failed to establish a proper *prima facie* case of obviousness in the present §103(a) rejection of independent claim 41.

Dependent claims 42-44 are believed allowable for at least the reasons identified above with respect to claim 41, and these claims are also believed to specify additional separately patentable subject matter relative to Zaumen and other prior art of record.

With respect to the §103(a) rejection of claim 71 with reference to Zaumen, Applicants again note that a proper *prima facie* case of obviousness over a single reference requires that the cited must “teach or suggest all the claim limitations,” and that there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. MPEP §706.02(j).

Claim 71 is directed to:

A method according to claim 70, comprising determining whether the received frame requires non-default policy enforcement, and creating the entry is performed only if the received frame requires non-default policy enforcement.

In formulating the §103(a) rejection, the Examiner argues:

Referring to claim 71, Zauman [*sic*] et al. discloses a method according to claim 70 comprising determining whether the received frame requires non-default policy enforcement [*references omitted*], but does not explicitly teach of creating the entry is performed [*sic*] only if the received frame requires non-default policy enforcement. However CPS 130 can be configured to handle the forwarding aspects based on its software routines (col. 5 lines

50-56). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included creating the entry is performed only if the received frame requires non-default policy enforcement because the software routines can be configured to handle the forwarding aspects as suggested by Zauman [*sic*] et al. [Office Action, p. 19].

Applicants respectfully submit that this argument suggests that the Zaumen apparatus may have capability for creating an entry if the received frame requires non-default policy enforcement, but that the Zaumen reference is entirely devoid of a suggestion or motivation to actually do so. Here again, a general description of a capability for creating an entry provides in-and-of-itself no motivation to modify the apparatus to actually conduct the step of creating an entry as taught by the claim. For this reason, Applicants submit that the §103(a) rejection of claim 71 is improper, and should be withdrawn.

Dependent claims 72, 74 and 76 are believed allowable for at least the reasons identified above with respect to claim 71, and these claims are also believed to specify additional separately patentable subject matter relative to Zaumen and other prior art of record.

Returning to the §103(a) rejection of dependent claim 75 with reference to Zaumen in view of Ross, Applicants respectfully submit that Ross fails to supplement the above-described fundamental deficiencies of Zaumen as applied to claim 71. Therefore, the subject matter as a whole of dependent claim 75 would not have been obvious at the time the invention was made and should be allowed.

With respect to the §103(a) rejections of dependent claims 50, 51 and 54 with reference to Ross, Applicants respectfully submit that the Examiner fails to provide an additional argument that addresses the above-described fundamental deficiencies of Ross as applied to all the limitations of base claim 49. Therefore, the subject matter as a whole of dependent claims 50, 51 and 54 would not have been obvious at the time the invention was made and should be allowed.

With respect to the §103(a) rejection of claim 63, Applicants note that, as amended, claim 63 is dependent on currently amended claim 62, which Applicants submit is now in condition for allowance (see above). Amended dependent claim 63 will then necessarily also be in condition for allowance.

With respect to the §103(a) rejection of claim 65 with reference to Ross, Applicants initially note that claim 65 is directed to:

A switch for forwarding frames, comprising:
at least one port which receives frames;
a policy table which includes entries, addressed by at least two key fields, for sessions which should receive non-default policy behavior;
a policy unit which checks whether at least some of the received frames which do not have respective entries in the policy table require non-default policy behavior; and
a forwarding unit which performs layer-2 switching of the at least some of the received frames in accordance with the policy behavior determined by the policy unit.

In formulating the §103(a) rejection, the Examiner argues that the Ross, FIG. 3, SRAM 355, and col. 5, lines 23-30 discloses the element of the claim comprising “a policy unit.” Applicants respectfully disagree. The SRAM of the cited FIG. 3 is a portion of the lookup circuit in the Ross apparatus:

When a lookup produces a match, CAM 350 produces a pointer to a location in SRAM 355. SRAM 355 in turn passes the contents of the address designated by that pointer to L3 Forwarding Engine Interface (L3FEIF) 360, which communicates that information to the router’s Forwarding Engine 370 to control the routing of the packet.
[Ross, col. 9, lines 22-27].

Therefore, the SRAM in the reference functions to check whether received frames have an entry in the policy table and if so, to provide the contents of the address, but fails to check whether at least some of the frames which do not have respective entries in the policy table require non-default behavior. Moreover, col. 5, lines 23-30 of Ross states:

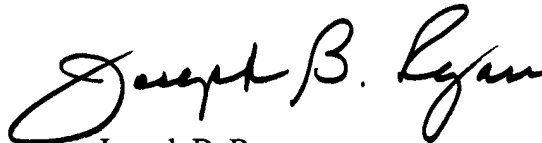
In the event that the key is not found in the CAM, the default condition, for example, deny, is asserted for the packet. Step 240 consists of reading the SRAM entry pointed to by a successful match in the CAM or denial of access in the default, i.e., when no match is found.

Applicants suggest that this portion of the reference merely asserts that those packets without entries in the policy table will receive the default condition. Therefore this portion of the reference also fails to teach a check as to whether at least some of the frames which do not have respective entries in the policy table require non-default behavior. For this reason, Applicants submit that the §103(a) rejection of claim 65 is improper and should be withdrawn.

Dependent claims 66-68 are believed allowable for at least the reasons identified above with respect to claim 65, and these claims are also believed to specify additional separately patentable subject matter relative to Ross and other prior art of record.

In view of the above, Applicants believe that claims 1-44, 49-54, 56-59 and 62-77 are in condition for allowance, and respectfully request the withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly legible.

Date: June 10, 2004

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Enclosures: Copies of Previously-Filed PTO-1449 Forms (2)
Replacement Drawing Sheet

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

JUN 14 2004

(Use as many sheets as necessary)

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Complete if Known

Application Number	09/596,003
Filing Date	6/15/00
First Named Inventor	Eyal Amitai
Art Unit	2731
Examiner Name	Not Yet Assigned
Attorney Docket Number	Amitai 1-1-1-6

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 6,101,189	8/8/00	Tsuruoka	
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FOREIGN PATENT DOCUMENTS

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		Country Code ⁴ Number ⁴ Kind Code ⁵ (if known)				
		WO 99/00949	1/7/99	Sun Microsystems		
		WO 99/01010	1/7/99	Sun Microsystems		
		JP 10 154995	6/9/98	Fujitsu Ltd.		

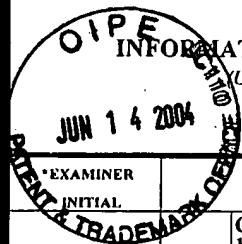
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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

147/A

Application Number

Unknown

Applicant(s)

Lior SHABTAY et al.

Filing Date

Herewith

Group Art Unit

Unknown

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

INITIAL

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LUCENT TECHNOLOGIES; "Cajun M770 M-MLS"; <http://www.lucent.com/ins/products/m770/mmlsar.html>

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